

Minutes of the Planning Commission meeting held on Thursday, August 19, 2010, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair
Sheri Van Bibber, Vice-Chair
Ray Black
Karen Daniels
Tim Taylor
Jeff Evans
Tim Tingey, Community & Economic Development Director
Scott Lyons, Economic Development Intern
Chad Wilkinson, Community Development Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Kurtis Aoki

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Mr. Harland opened the meeting and welcomed those present.

APPROVAL OF MINUTES

There were no minutes for approval.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Tim Taylor made a motion to approve the Findings of Fact for a Conditional Use Permit for Woodstock Elementary. Seconded by Karen Daniels.

A voice vote was made. The motion passed, 6-0.

LITTLE BLUE SCHOOL HOUSE/GODDARD PRESCHOOL – 5494 So. Walden Meadows Drive – Project #10-183

Jared Goddard was the applicant present to represent this request. Scott Lyons reviewed the location and request for Conditional Use Permit approval to conduct a preschool in the basement of the existing dwelling. The property is located on .22 acre within the R-1-8 zoning district. Murray Municipal Ordinance 17.100.030 allows a preschool within the R-1-8 zoning district subject to Conditional Use Permit approval. There will be two teachers. The proposed preschool will have 6-12 children per session. The sessions will be held Monday through Friday 9:30 a.m. to 11:30 a.m. Four year old students will meet on Monday, Wednesday, and Friday and 3 year old students will meet on Tuesday and Thursday. The sessions would run from September 8, 2010 to May 27, 2011. The applicant has stated that the driveway will be used for parking cars and the

unloading and loading of children. Parents are to walk their children to the back door of the house for drop-off and the applicant will have the children ready at the front door for pick-up. There is no specific parking rate for preschool use in the code. The property has enough on-site parking for the two staff and two to three additional spaces for unloading and loading. The existing house meets the setback requirements of the zoning ordinance. There are two storage sheds on the applicant's property that currently are out of compliance with building permit requirements and zoning ordinance requirements. Both sheds are located on a utility easement. The applicant is currently going through the permit process to bring the rear yard shed into compliance and has applied for a license to encroach on the easement with the Murray City Engineer. The second shed in the side yard does not meet the accessory structure setback requirements and will either need to be moved to a new location in the rear yard or to be removed from the property in order to comply with zoning regulations. The Murray City Building Official indicated there are two sheds on the property constructed without the benefit of a permit or inspections. Sheds greater than 200 square feet require permits. Electrical and plumbing permits are required regardless of the size. The Murray City Engineer noted the shed to remain in the rear yard requires a license to encroach on the utility easement. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Jim Harland clarified that both sheds are located on the utility easement and are on concrete slab.

Jared Goddard, 5494 South Walden Meadows Drive, stated he has reviewed the staff recommendations and will comply with the conditions. Mr. Goddard stated he wishes to have a preschool located in the basement of their home. Mr. Goddard stated that his wife and mother-in-law will be the two teachers. He stated they would like to have five sessions per week from 9:30 to 11:30 a.m. with 4 year olds attending Mondays, Wednesdays and Fridays; and 3 year olds attending on Tuesdays and Thursdays. He stated the parents will drop off the children in their driveway and there is sufficient parking for this use.

There were no public comments made for this item.

Karen Daniels made a motion to grant Conditional Use Permit approval for The Little Blue School House/Goddard Preschool at 5494 South Walden Meadows Drive subject to the following conditions:

1. The project shall meet all applicable building code standards and permits. Inspection is required by the building department. The applicant shall apply for permits for sheds greater than 200 square feet. Structures shall also meet the requirements of the IRC (International Residential Code) for egress windows, smoke alarms, etc
2. The project shall meet all current fire codes. Inspection is required by the fire department.
3. The applicant shall obtain a license to encroach on utility easements for the rear yard shed and remove the side yard shed by October 1, 2010 in order to meet building department, engineering and zoning ordinance requirements.

4. Meet all Murray City and Utah State regulations and licensing requirements.

Seconded by Sheri Van Bibber.

Call vote recorded by Chad Wilkinson.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Black
A _____ Ms. Van Bibber
A _____ Mr. Taylor
A _____ Ms. Evans

Motion passed, 6-0.

DISCUSSION ITEM – Murray City Center District (MCCD) Proposed Ordinance

Tim Tingey presented the draft MCCD ordinance. Mr. Tingey stated that the desire for the downtown area is to be different from the rest of the community. The key to doing so is to have tools in place to ensure the success of differentiating this area and helping to provide more redevelopment opportunities. He said that there is a lot of under utilized property in the downtown area. The city has been diligently working to get the tools in place for this area on the economic development side to start recruiting and providing incentives for private investors to develop the area, which will be a long process. This proposed ordinance is a tool in accomplishing this vision. The city RDA is involved in this area and has been involved for more than 20 years. The RDA is requesting an extension and expansion of the redevelopment area. Mr. Tingey stated that he has met with the Taxing Entity Committee twice and is working through the issues brought up during those meetings. He stated that staff has put in a lot of work into drafting the ordinance along with the Design Standards that will be forthcoming. There will be a number of public open houses to discuss these ordinances and to ensure adequate public input.

Chad Wilkinson stated that the MCCD area boundaries are approximately 4800 South on the north boundary, Center Street and Jones Court on the east, Little Cottonwood Creek on the south, and the Trax lines on the west. The existing Downtown Historic Overlay District (DHOD) boundaries are somewhat similar.

Mr. Wilkinson stated one of the more significant changes for MCCD is historic preservation. The current DHOD focuses on preserving historic structures, including some structures that are not necessarily historic but should be compatible with the historic structures in the area. The MCCD ordinance is different in that instead of preserving significant, contributing buildings and also certain design standards of the noncontributing buildings, this ordinance will be preserving only the significant historic buildings in the downtown area. He stated that a historic building must have at least two of the following characteristics: 1- Major historical significance in Murray; 2- Has major architectural significance and is more than 50 years old; 3- If there have been any alternations to the structure that they could reasonably be reversed. Currently Planning Commission approval is required for any changes to the exterior, relocation or demolition of the significant buildings. Some examples of significant buildings are Day Murray Music, Desert Star Theater, Murray Mansion and Murray Baptist Church, the Murray

Theater and Mountain Vernon Academy. The DHOD ordinance does not allow for demolition of a significant building except under very specific criteria. There is a new exception in the historic preservation process that allows the Planning Commission to authorize demolition of some of the significant structures under specific circumstances and upon meeting required conditions. One of those conditions is that there would have to be some kind of development agreement authorized or entered into that ensures that upon demolition of a building there will not be a vacant lot remaining for years, similar to what happened with the Cottonwood Mall. This ordinance provides for some type of security to ensure that does not occur.

Karen Daniels asked if only one of the exceptions must be met in order to demolish a significant building. Mr. Wilkinson responded that all the exceptions must be met in order to demolish a significant building. This would allow for some flexibility but would discourage people from just demolishing buildings due to the proposed strict criteria. He said that this ordinance is still in the draft process and input is welcome.

Jim Harland asked about criteria for five times of assessed value for demolition. Mr. Wilkinson responded that five times the assessed value would help to ensure a high quality, high density project.

Mr. Wilkinson stated the issue of sustainability has been identified by the City Council as being important to include in the MCCD. A lot of different cities are looking at these codes and sustainability codes have been incorporated into this proposed ordinance. The purpose of sustainability is to promote preservation of natural resources, wise use of existing resources, energy efficiency, conservation, etc. First and foremost, public buildings will need to be LEED certified "Leadership in Energy and Environmental Design" which is a nationally recognized standard. The other standards are encouraged with the private sector such as efficient water conservation, protection of existing waterways, pretreatment of storm water runoff, etc.

Mr. Wilkinson stated that the design standards have also changed. This proposed ordinance promotes high density development which includes increased heights and no maximum height, except in the transition areas that border the residential zoning to the east which has a maximum height of 50 feet within 150 feet of the residential zoning district. There is no maximum residential density with meeting the parking standards. There is a minimum height of 40 feet for new structures. He stated that the current residential zone has a maximum height of 35 feet. He stated that height was an issue that staff sought much input on and will continue to discuss and receive input throughout this process.

Sheri Van Bibber expressed concern with the transition from residential zoning to the MCCD, and the potential of a home being adjacent to a structure with a minimum height of 50 feet. Mr. Wilkinson stated that in the Avenues in Salt Lake City there are areas where residential homes are adjacent to fairly tall buildings and it works. These are different standards than what Murray is used to, but this downtown area is desirable for high density.

Mr. Wilkinson stated that the MCCD will encourage pedestrian activity with parking lots to the rear or side of buildings or within parking structures. There will be limitations on blank walls to encourage the "pedestrian feel" of the street and the required parking ratios will be reduced. He stated that appeals pertaining to a major alteration of a

historic structure will need to go to the Board of Adjustment rather than the City Council as was previously proposed. This change is due to the Murray form of government. This ordinance document is a work in progress and there will be much public involvement throughout this process.

Karen Daniels mentioned that lending on a mixed use property is difficult at this time due to the economy and lenders will only lend when there is 20% commercial for a project. She stated that the city ought to be sensitive to that issue because lending money is critical for development.

Tim Taylor was excused from the meeting for a prior commitment.

Chad Wilkinson stated that the consultants, Gerding Edlen, who are based out of Portland, Oregon, have indicated that attitudes have changed with lenders as they have seen success for these types of bigger developments. Mr. Wilkinson stated that this ordinance is different from the Mixed Use zoning district because it does not require certain ratios of commercial to residential.

Sheri Van Bibber asked if Murray City offers any incentives for green building elements. Chad Wilkinson stated this ordinance will have the ability to offer incentives such as reductions in impact fees. He explained that impact fees are for impacts to the system, but if there are water conserving components for a development then there ought to be a reduction in the impact fee. He stated that currently there are no reductions in place for these types of conservation components.

Jim Harland asked about the difference between a minor and major alteration in relation to an appeal. Chad Wilkinson responded that the determination will be made by staff or the Director, but generally signs, awnings, or small changes would be considered minor. He said that new construction or extensive remodeling would be considered a major alteration.

Ray Black stated that by reducing parking it will be difficult for businesses to survive. He said that parking is vital for certain industries. Chad Wilkinson stated that the minimum parking requirements are lower than those currently in the code. He said that there is limited space in the area and that staff is trying to avoid using excess space for parking. Parking will be allowed to exceed the maximum if it is contained in a garage. Mr. Wilkinson stated that there needs to be adequate parking available but that parking lots should not be a dominant feature in densely populated areas. He said that alternate transit opportunities also exist for the area.

Ms. Van Bibber stated that it seems contradictory to try and preserve this historical district while allowing tall buildings in the area. She said that other cities have built around historical districts and the historical aspect of the area becomes lost. Mr. Tingey stated that there needs to be a balance and that preservation is a part of the balance but not the sole focus. He said that it is possible to have good development adjacent to the historical district. He said that the goal is to create an area that is distinct and has density. Sheri Van Bibber stated that it seems like the focus of the area is going to be commercial and transit-oriented development. Tim Tingey stated that the design guidelines will help to integrate the historical, sustainability and density elements that are key to pedestrian oriented areas. He said that there are a number of communities that have had success integrating historic buildings with new buildings. He stated that

Intermountain Healthcare owns a lot of property in the area and have met with staff regarding types of allowed uses. He said that staff is considering some changes to the allowed uses in the area to ensure that certain opportunities are not overlooked.

Mr. Wilkinson stated that staff will keep the commission apprised of future open house dates and thanked them for their support and attendance at the previous open house.

OTHER BUSINESS

Mr. Harland stated that each member of the Planning Commission receives an APA newsletter and pointed out an informative article about the fundamentals of conditional uses that he encouraged the members to read.

Mr. Tingey stated that the fall conference for the Utah Planning Association is coming up and there is a cost savings for pre-registration. He said that some commission members are already signed up. Jeff Evans stated that he will attend. Karen Daniels asked about additional information related to the conference. Jim Harland stated that the website has a lot of information and a schedule of the conference.

Meeting adjourned.

Tim Tingey, Director
Community and Economic Development